

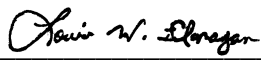


Plaintiff filed this action pursuant to § 1983, alleging that defendants denied him access to the courts when the North Carolina Innocence Inquiry Commission allegedly summarily denied plaintiff's claim without a right of appeal, pursuant to N.C. Gen. Stat. §§ 15A-1467 and 15A-1470. As relief, plaintiff sought "repeal and dissolution" of N.C. Gen. §§ 15A-1467 and 15A-1470. The magistrate judge recommends dismissing the complaint because plaintiff's claim fails to allege a deprivation of a right under the United States Constitution or Federal Statute. In particular, the magistrate judge determined that plaintiff failed to state an access to courts claim pursuant to the First Amendment to the United States Constitution or a claim pursuant to the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

Upon careful review of the record, "the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). In the absence of a specific and timely filed objection, the court reviews the magistrate judge's findings and conclusions only for clear error, and need not give any explanation for adopting the M&R. Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005); Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983).

Having carefully reviewed the filings in this case and the M&R, the court agrees with the conclusions reached by the magistrate judge and thus ADOPTS his findings and recommendations (DE 8), and plaintiff's complaint is DISMISSED. Plaintiff's motion for a preliminary injunction (DE 4) is DENIED as moot. The Clerk of Court is DIRECTED to close this case.

SO ORDERED, this the 12th day of November, 2013.

  
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LOUISE W. FLANAGAN  
United States District Judge